



Thirty or More Unidentified Federal Agents, Employees or Officers, 855 F.2d 1080, 1092-93 (3d Cir. 1988). For purposes of attorneys' fees awarded to the United States Department of Justice for work performed by Assistant United States Attorneys, however, the Justice Department has elected to base its calculations on the more modest measure of the government attorney's compensation. In an abundance of caution, the Secretary used this more conservative approach.

Attached as Exhibit A is a declaration of Rafael Alvarez, detailing the time spent, his annual salaries during the relevant time period, and the calculation of the fees expended, totaling \$4,310.32.<sup>1</sup>

Accordingly, the Secretary requests that the Court order Respondent, James Loughrey, Custodian of Records and Trustee of Loma Services, Inc. Simple IRA Plan, to pay her attorney's fees and costs in the amount of \$4,310.32, as set forth in the Court's Order.

Respectfully submitted,

**GREGORY F. JACOB**  
Solicitor of Labor

**JOAN E. GESTRIN**  
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s/ Rafael Alvarez  
**RAFAEL ALVAREZ**  
Senior Trial Attorney

Attorneys for Elaine L. Chao,  
Secretary of Labor, United States  
Department of Labor,  
Petitioner

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<sup>1</sup> Necessarily, further time was expended after sending the fee request to Respondent, including the preparation of this memorandum, but the Secretary has not included those amounts in her request.

**CERTIFICATE OF SERVICE**

I certify that one copy of the foregoing *Petitioner's Submission on Attorney's Fees and Costs* has been served this 26<sup>th</sup> day of August, 2008, by first-class mail to the following individual:

James Loughrey  
8402 S. Hillside Dr.  
Palos Park, IL 60464

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s/ Rafael Alvarez \_\_\_\_\_  
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